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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,637

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Makoto Nagasawa

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9154

21254

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05/13/2008

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

8321 OLD COURTHOUSE ROAD

SUITE 200

VIENNA, VA 22182-3817

EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,637	<b>Applicant(s)</b> NAGASAWA, MAKOTO	
	<b>Examiner</b> FAYYAZ ALAM	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7-9 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,7,8 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 9,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/14/2008, 12/11/2007</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 2/21/2008. **This action is made FINAL.**

### *Response to Arguments*

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

Please see rejection below.

### ***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 9 and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Shah (USPN 20070060212)**.

Consider **claim 9**, Okano discloses system and a method of power saving in a mobile terminal comprising: a power circuit (11) (read as battery) coupled to the

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transmitting and receiving section (7 & 8) (read as radio communication block); a power supply circuit (13) (read as power supply block), which distributes power from the power circuit (11) (read as battery) to all parts of the mobile terminal (read as through a first switch and directly to key operation section) (see fig. 1; pg. 6, lines 8 - 9); a transmitting and receiving section (7 & 8) (read as radio communication block) which communicates with a base station when said power is supplied from said power circuit (11) (read as battery) through a power supply circuit (13) (read as power supply block), since it is a mobile phone, therefore it will be in communication with the base station to accomplish its purpose (see fig. 1); a switch (12) (read as a first switch) which is interposed between said power supply circuit (13) (read as power supply block) and transmitting and receiving section (7 & 8) (read as radio communication block) (see fig. 1); a data input section (6) (read as key operation section) to which power is always supplied from said power circuit (11) (read as battery) through said power supply circuit (13) (read as power supply block) (see fig. 1); a control circuit (1) (read as control unit) which controls said switch (12) (read as first switch) to cut-off (read as stop) the power supply to the transmitting and receiving section (7 & 8) (read as radio communication block) in response to a user input from the data input section (60) (read as in response to a manual key operation of said key operation section) such that communication function is effectively terminated between the mobile terminal and the base station (see fig. 1; pg. 5 line 20 - pg. 6, line 20); a base band block which is connected with said first switch; the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block

in response to said manual operation of said key operation section (see fig. 1; pg. 7, lines 1 - 11).

However, Okano does not explicitly disclose controlling said first switch to stop the power supply from said battery to said base band block in addition to said radio communication block, having both a transmission function and a reception function, in response to said manual operation of said key operation section. Furthermore, Okano does not explicitly disclose carrying out application functions by an application function block and disconnecting said application function block from said base band block in response to said manual operation of the key of said key operation section.

In the related field of endeavor, Shah discloses controlling said first switch (12) to stop the power supply from said battery to signal processing unit (24) (read as base band block) in addition to transceiver unit (22) (read as radio communication block), having both a transmission function and a reception function, in response to said manual operation of said key operation section (see abstract; fig. 1). Furthermore, Shah discloses carrying out application functions by computing unit (16) (read as an application function block) and disconnecting said computing unit (read as application function block) from said signal processing unit (read as base band block) in response to said manual operation of the key of said key operation section (see abstract; fig. 1; [0015]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Shah in order to avoid unnecessary consumption of power (see [0006]).

Consider **claim 13** as applied to claim 9, Okano discloses user inputs a transmission suspension command (read as manual operation of a key) through the data input section (6) (read as key operation section) and the control circuit (1) (read as control unit) controls the switch (12) (first switch) to be turned off and in the event the transmission suspension period is ended the user inputs a command (read as manual operation) which cancels the power cut off signal and consequently the switch (12) (read as controlling said first switch) is turned on (see pg. 6, lines 13 - 20; pg. 11, lines 11 - 19).

Consider **claim 14** as applied to claim 9, Okano discloses a timer (9) with a certain time limit (read as predetermined time is set) and the timer counts down the transmission suspension time and when the timer runs out (read as timer measures the predetermined time) the portable communication system is returned to normal operation (read as control unit controls said first switch to be turned on) (see pg. 6 lines 7 - 20; pg. 7, lines 16 - 23).

### ***Allowable Subject Matter***

Claims 1, 7-8, and 15-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Consider claim 1, none of the cited prior arts of record disclose either explicitly or implicitly the limitation of "...a second switch which is interposed between said application function block and said base band block...and wherein said control unit is contained in said application function block and controls said second switch to

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disconnect said base band block from said application function block". Further, with regards to claim 15, none of the cited prior arts of record disclose either explicitly or implicitly the limitation of "...a second switch interposed between said base band block and said radio communication block; control unit...controls said second switch to stop communication between said base band block and said radio communication block".

Therefore, the claims as disclosed are allowable.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

April 30, 2008

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618